

Remarks

Claims 20-26 remain pending in this application. These claims were indicated as allowable in a former office action. In the last office action, however, the claims were rejected on new grounds.

First, claim 26 was rejected as being indefinite. The examiner's thoroughness in recognizing that applicant had the densities for the nodes and aggregates reversed. The claim has been amended to correct this inadvertent informality.

Second, numerous new art-based rejections have been made. Claim 20 now stands rejected as being anticipated by each of JP 11-80705 ("the Japanese patent") and U.S. Patent Nos. 4,902,423 issued to Bacino and 4,952,630 issued to Morgan. Additionally, claims 21-26 have been subjected to three different obviousness rejections. In these rejections, each of the Japanese patent, Bacino, and Morgan have been combined with alleged admissions in the specification in triply rejecting these claims.

We believe that none of the rejections made by the examiner have merit. This is because none of the references cited show all the claimed limitations of independent claims 20 or 26. For example, both of claims 20 and 26 include a limitation that the PTFE material includes short fibrils interconnecting nodes to form aggregations. This is not shown in any of the references cited.

The Japanese patent shows only nodes interconnected by fibrils. (See Abstract). The examiner suggests that FIG. 9 shows aggregations of nodes interconnected by short fibrils. The photograph, however, simply does not show these features. And the text of the Japanese patent describes a material "composed of nodes and fibrils connecting the nodes." (See Abstract). This is the kind of material Applicant admitted was prior art in the beginning when

this application was filed. See Lines 23-24 of the Original Disclosure. Not some new development warranting an eleventh-hour rejection.

Bacino discloses long fibrils connecting rows of transverse fibrillated nodes. See Col. 2, lines 38-46. The transverse fibrillated nodes are connected by bundles of fibrils. See FIG. 2. This is unlike Applicant's material which comprises aggregations of nodes, the nodes in the aggregations being interconnected by short fibrils. The examiner references FIG. 1 from the patent as making these disclosures. Claim 1 was missing in the copy of Bacino Applicant received from the examiner, however. Regardless, it is clear from the text of the patent that the claimed "short fibrils interconnecting the nodes to form the aggregations" are not disclosed.

Morgan also fails to show the claimed "short fibrils interconnecting the nodes to form the aggregations." The part of Morgan referenced by the examiner discloses that

[i]t was observed that the PTFE resin partially agglomerated into visible white clumps or nodes approximately 2-4mm in diameter with long fine fibrils connecting the nodes. Additional mixing tended to cause further agglomeration rather than to improve dispersion. The blend had a high modulus.

[Col. 14, lines 55-60.]

Like the Japanese patent, Morgan discloses only that which the Applicant admitted was known in the prior art from the beginning. This reference, like the Japanese patent and Bacino, does not show short fibrils interconnecting the nodes to form the aggregations, but a much different material. These differences are not surprising considering the much different process used to make the Morgan material. See Col. 14, lines 44-53.

Other examples of limitations missing in the references cited include the specific long and short fibril lengths and node versus aggregate densities recited in claim 26. These features are simply not shown anywhere in the references. The examiner makes reference to applicant's prior-art descriptions in the disclosure. The disclosure, however, only describes materials like those disclosed in the Japanese patent, Bacino, and Morgan. Materials not having short fibrils interconnecting nodes to form aggregations along with long fibrils interconnecting the aggregations.

The Examiner is required to show objective evidence in support of her anticipation and obviousness rejections. It is fundamental that an examiner's rejections be based on evidence in the record. *In re Grasselli*, 713 F.2d 731, 739, 218 USPQ 769, 775 (Fed. Cir. 1983). The examiner's factual inquiry must be thorough. *Id.* Additionally, it must be based on objective evidence in the record. *See Brown & Williamson Tobacco Corp. v. Philip Morris Inc.*, 229 F.3d 1120, 1124-25, 56 USPQ2d 1456, 1459 (Fed. Cir. 2000).

The examiner here, however, has based the standing rejections on unsupported statements. Despite the examiner's contentions, none of the references disclose a material disclosing short fibrils interconnecting the nodes to form the aggregations like Applicant's. Therefore, the Examiner has not met the burden necessary for its anticipation or obviousness rejections.

It is respectfully requested that all outstanding rejections be withdrawn, and claims 20-26 pass on to issue. If, however, the Examiner believes that any outstanding issues remain, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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